

Minutes  
Morganton Planning & Zoning  
June 11th, 2015

Members Present:

Hank Dickens, Chairman  
Bill Lennon, Vice-Chairman  
David Kirk  
Waits Gordon  
Rick Lingerfelt  
Claude Huffman  
Kim Woolard  
Pete Wallace  
Don Smith

Members Absent:

Judy Francis

Also present from the City staff were Lee Anderson, Director Development Design Services and Jackie Cain, Administrative Manager.

**I. OLD BUSINESS:**

**Item 1: Review and approval of the May 14<sup>th</sup>, 2015 Minutes.**

Mr. Dickens stated a copy of the minutes had been provided. Mr. Dickens noted correction on page 2 of the minutes. He stated the minutes reflect Mr. Francis and it should be Ms. Francis. Mr. Dickens made a motion that the minutes be approved with corrections, seconded by Mr. Wallace and unanimously approved (9-0).

**Item 2: Review of City Council action since last meeting.**

Mr. Anderson reported City Council met June 1st, 2015 and approved proposed Zoning Ordinance Amendment to Section 3.4.2 (B) (3) to Accessory Structures (Residential) to clarify size and quantity limitations.

Mr. Anderson stated City Council had reappointed Claude Huffman, Waits Gordon and Bill Lennon. Their term would end June 3<sup>rd</sup>, 2018.

Mr. Anderson informed Planning Commission members of a voluntary annexation petition for 1014 Salem Road. He stated council called for public hearing on June 22, 2015 meeting.

Mr. Dickens asked if this area was within the city ETJ.

Mr. Anderson stated this area was removed from the city ETJ during the last ordinance change. He explained there is another property which is also a satellite annexation which is located beyond this location. He stated this property meets the City and General Statute requirements for voluntary annexation. The property has existing city utility services and is within a serviceable distance for public safety protection.

**II. APPEARANCES:**

Mr. Dickens stated this time is set-aside for individuals to come before the planning board to express any planning related concerns to the planning board.

None.

### **III. NEW BUSINESS:**

**Item 1: Consideration to amend Zoning Ordinance to allow Bed and Breakfast Inns within the Neighborhood Conservation Overlay (NC-O) of the Medium Intensity District (MID).**

Mr. Dickens asked Mr. Anderson to review the amendment.

Mr. Anderson provided commission members with Section 3.4.2 (C) Bed and Breakfast Inns section of the ordinance. He stated currently Bed and Breakfast Inns are allowed within the LID and MID zoning districts with conditions:

- (1) Bed and Breakfast Inns shall only take their access from streets classified as collectors and arterials' as shown on the Morganton Thoroughfare Classification Map.
- (2) The maximum number of rooms for rent shall be five (5). Accessory structures may be used for rooms.
- (3) No more than two (2) employees not residents on the property shall be employed at the facility and the operator shall reside on the premises.
- (4) The facility shall not be used to attract non-guests to the restaurant or assembly halls.

Mr. Anderson stated although they are allowed within the base LID and MID zoning districts under these conditions, they are not allowed within any Neighborhood Conservation Overlay (NC-O). Mr. Anderson stated there were specific discussions regarding B&B's during the workshop sessions of the zoning ordinance re-write. There were strong opinions at that time to restrict B&B's from locating within NC-O areas of the LID, but very little if any opposition to allowing B&B's within NC-O areas of the MID. Mr. Anderson reminded commissioners that Neighborhood Conservation Overlays simply apply additional zoning restrictions to the underlying base district requirements. NC-O areas are only found within traditional single-family neighborhoods. Mr. Anderson stated a request had been received to reconsider allowing Bed and Breakfast Inn's within MID areas that also fall within the NC-O. Avery Avenue is one such area. Mr. Anderson stated that Avery Avenue has fairly heavy traffic volumes which may deter traditional single family use and that Bed and Breakfast Inns offers reasonable use for these properties under the following conditions:

- (1) Bed and Breakfast Inns shall only take their access from streets classified as collectors and arterials as shown on the Morganton Thoroughfare Classification Map.
- (2) The maximum number of rooms for rent shall be five (5). Accessory structures may be used for rooms.
- (3) No more than two (2) employees not residents on the property shall be employed at the facility and the operator shall reside on the premises.
- (4) The facility shall not be used to attract non-guests to the as a restaurant or assembly hall.

The ordinance would still be prohibited B&B's within the NC-O areas of LID zones. The amendment also would clarify that B&B's could not be used as a Restaurant or an Assembly Hall in these instances.

Mr. Anderson discussed corridors that most MID areas are found along heavier traveled roadways classified as major, minors and collectors.

Dr. Kirk asked what defines a bed and breakfast and a boarding house.

Mr. Anderson stated sleeping accommodations for a night and a morning meal, provided in residential homes. He stated a boarding house is overnight accommodations over a longer term basis.

Mr. Dickens questioned if B&B's would allow wedding receptions or accommodations for meetings similar to the Burleson House.

Mr. Anderson stated The Burleson House is located within the Central Business District which falls under different set of criteria.

Mr. Lennon voiced his concern regarding parking. He stated as a member of the Community Appearance Committee he was also concerned about parking located in the front of the property.

Mr. Smith stated residences were using Lenoir Street for on street parking at the Burleson House.

Mr. Anderson stated that the ordinance sets out specific requirements parking; however front yard parking is not currently prohibited. He added that on street parking is allowed along certain roadways, however the availability of on-street parking would not forego the need to provide on-site parking.

Mr. Dickens opened for public hearing for those wishing to speak in favor of the request.

Ms. Samantha Reid, 404 Avery Ave., stated she was the owner of this property and had bought the property in November 2014. She stated at that time there were no restrictions for bed and breakfast in that location under the zoning ordinance. She stated the house contains 5 bedrooms and they would like to offer 3 of those as B&B guest rooms. She stated she would provide any additional onsite parking required.

Ms. Samantha Allen spoke on behalf of her daughter and stated her capabilities to make this business work.

Mr. Dickens asked if there was opposition to the request.

No one spoke in opposition.

Mr. Dickens closed the public hearing.

Mr. Smith made a motion to amend Zoning Ordinance Amendment to allow Bed and breakfast inns within the Neighborhood Conservation Overlay (NC-O) of the Medium Intensity District (MID), seconded by Mr. Gordon and passed unanimously (9-0).

Mr. Anderson stated a public hearing on this matter would be held by the City Council on August 3rd, 2015 at 6 p.m. to review this recommendation.

**Item 2:           Consideration to amend the Zoning Ordinance to allow Correctional facilities within High Intensity Districts (HID).**

Mr. Anderson stated the County of Burke was proposing to build a new Jail Facility in the Downtown area which would have required the closing of a portion of Bouchelle Street in order to accommodate the proposed building. The City Council decided they did not want to close Bouchelle Street entirely since there were other design options to build the facility under a different design at the same location. Mr. Anderson stated a request has now been submitted by the County of Burke to amend Section 3.1 of the Zoning Ordinance to permit Correctional Facilities within High Intensity Districts (HID). Currently Correctional Facilities are only permitted within the Central Business District (CBD), the State Institutional District (SID), and the Exclusive Industrial District (EID). The uses are prohibited within any Corridor Overlay (C-O) or River District Overlay (RD-O). The County has indicated it would like to construct a new jail facility adjacent to the current jail along Government Drive. This area is presently zoned under a High Intensity District (HID) classification. The proposed amendment would amend the ordinance to allow Correctional Facilities within all HID districts with the exception of Corridor or River District overlay areas. This amendment would accommodate the County's request at the proposed location along Government Drive. This amendment would change the Table of Permitted uses to allow correctional facilities within HID.

Dr. Kirk asked for other areas within our zoning jurisdiction which are HID.

Mr. Anderson provided a zoning map which the High Intensity Districts were labeled. He stated HID classifications are located along major commercial corridors where commercial development is located or planned for. Mr. Anderson pointed out to commission members that the old Wal-Mart building located on Burkemont Avenue is an example of properties zoned HID.

Mr. Dickens opened the meeting for public comment.

There was no one present to speak for or against the proposed amendment.

Mr. Lingerfelt stated he didn't perceive any issues with this amendment.

Mr. Wallace questioned if rezoning the county's property to Exclusive Industrial would be more appropriate than amending the ordinance to allow these facilities with all HID zones.

Mr. Anderson stated rezoning this property to EID would go against the Mission 2030 Land Development Plan.

Mr. Lennon made a motion to amend the Zoning Ordinance to allow Correctional facilities within High Intensity Districts (HID), seconded by Mr. Lingerfelt and passed 7-2 (Wallace~Kirk).

**IV. OTHER ITEMS OF DISCUSSION**

None

**V. ADJOURN 6:45 p.m. Next Regular Meeting: Thursday July 9<sup>th</sup>, 2015 at 5:15 PM**